



# 2009 Annual Report



“

*Under my administration, the Department of Labor and Industrial Relations will play a key role in ensuring fair and honest treatment of Missouri workers and in preparing our workforce for the jobs of the future.*

”

- Gov. Jeremiah W. (Jay) Nixon

# LETTER FROM THE DIRECTOR



JEREMIAH W. (JAY) NIXON  
GOVERNOR

## MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

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LAWRENCE G. REBMAN  
DEPARTMENT DIRECTOR

PETER LYSKOWSKI  
DEPUTY DEPARTMENT DIRECTOR

The Department of Labor and Industrial Relations, under the direction of Gov. Nixon, has undertaken a revitalization of its duty to employers and employees in this state. The year 2009 was one of the most economically challenging years in the history of Missouri and the entire country. On January 1, 2009, the state unemployment rate was 7.1 percent and rose to a high of 9.5 percent in August, the highest the state has seen since 1983. The Department has worked diligently to communicate more effectively with our constituents and provide them with the resources they need to help turn this economy around. To that end, we have revised every publication and our Web site to provide clear and easy references to the many programs we administer.

The economic recession has hit the Department's Division of Employment Security hard. The unemployment trust fund has paid out more than \$1 billion to the unemployed, forcing it to borrow in excess of \$360 million to keep payments current. The Division of Employment Security has answered more than 1 million phone calls and processed this record number of unemployment payments. In an effort to save jobs, the Department has promoted its Shared Work Program to employers faced with a reduction in available work. This year 485 Missouri employers participated and saved nearly 41,000 jobs. The savings to the trust fund for this program is calculated at \$33.5 million.

In order to safeguard the unemployment trust fund as a valuable economic stabilizer, the Department is aggressively pursuing those who attempt to cheat the unemployment system. This includes prosecution of individuals that wrongly collect unemployment benefits and securing more than \$1 million in restitution to the trust fund. Also, the Department is going after employers that improperly designate employees as independent contractors. Employers that misclassify employees do not pay taxes to the unemployment trust fund, the workers' compensation second injury fund, or the workers' compensation administrative fund.

The law of the state requires the prevailing wage be paid to workers on all public works projects. The Labor Standards Division has been tasked with ensuring that the hundreds of millions of dollars of federal, state, and local money to be spent on public works in an effort to improve infrastructure, create jobs, and turn this economy around, will accomplish those purposes by paying the workers on those projects the prevailing wage.

Furthermore, we are committed to improving workplace safety by promoting the free workplace safety programs offered by the Department. We are also committed to fairly and efficiently adjudicating the workers' compensation laws. An audit of workplace injury and death reporting found disturbing numbers of employers and insurance companies failing to timely and accurately report information to the Division of Workers' Compensation, thereby denying injured workers and their families the rights to benefits. The Division has improved its internal processes to catch these problems, while at the same time referring the worst offenders for prosecution.

The Department has faced difficult challenges with limited resources this year, but its employees have persevered to provide exemplary service to the people of Missouri. We are committed to improving our service even more so that we can help maximize the economic prospects for employers and employees of our state.

Sincerely,

A handwritten signature in black ink, reading "Lawrence G. Rebman".

Lawrence G. Rebman  
Director



Lawrence G. Rebman  
Director

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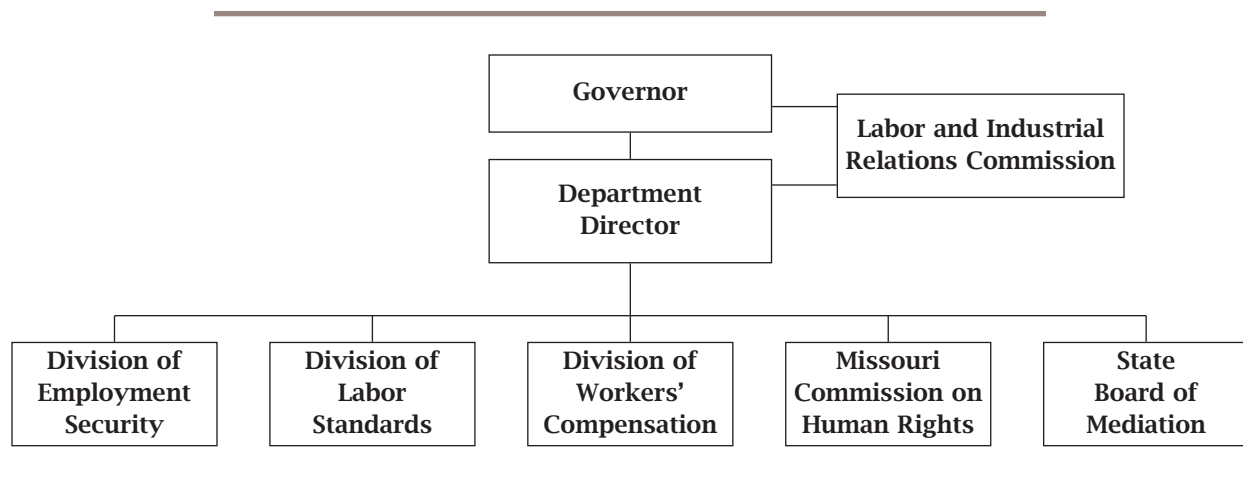
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# Introduction

## INTRODUCTION

# Department Overview

The Missouri Department of Labor and Industrial Relations (Labor Department) was created by Article IX Section 49 of the Missouri Constitution. The Labor Department is comprised of the Labor and Industrial Relations Commission and five Divisions: (1) The Division of Employment Security adjudicates claims for and provides payment of unemployment insurance (UI) benefits for employees who become unemployed through no fault of their own. To finance the payment of UI benefits to qualified claimants, the Division of Employment Security collects contributions (taxes) from Missouri employers; (2) The Division of Labor Standards regulates wages and wage rates and promotes safe working environments; (3) The Division of Workers' Compensation ensures that workers injured on the job receive the benefits they deserve and investigates allegations of workers' compensation fraud and noncompliance; (4) The Missouri Human Rights Commission enforces and adjudicates Missouri's anti-discriminatory, fair housing and employment and public accommodation statutes; and (5) The State Board of Mediation determines the appropriate bargaining unit for public employees and regulates utility labor relations.



Refer to pages 24-31 for a complete listing of all agencies and services offered by the Missouri Department of Labor and Industrial Relations.

## Vision

For businesses and employees succeeding together in safe and healthy workplaces free from unlawful discrimination.

## Mission

To promote industry and labor and protect the rights and safety of Missouri's workforce.

## Values

The Department of Labor and Industrial Relations believes in the following principles to accomplish its vision and mission:

**Excellence - Impartiality - Integrity - Respect - Stewardship**

# Contact Us

## Department of Labor and Industrial Relations

*Lawrence G. Rebman, Director*

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## Labor and Industrial Relations Commission

*William F. Ringer, Chair*

*Alice A. Bartlett, Commissioner*

*John J. Hickey, Commissioner*

3315 West Truman Blvd. Room 214 P.O. Box 599 Jefferson City, MO 65102-0599  
 Telephone: 573-751-2461 Fax: 573-751-7806  
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## Division of Employment Security

*Gracia Backer, Director*

421 East Dunklin St. P.O. Box 59 Jefferson City, MO 65104-0059  
 Telephone: 573-751-3215 Fax: 573-751-4945  
 Home page: [www.labor.mo.gov/es](http://www.labor.mo.gov/es) Claimants E-mail: [esuiclaims@labor.mo.gov](mailto:esuiclaims@labor.mo.gov)  
 Employers E-mail: [esemptax@labor.mo.gov](mailto:esemptax@labor.mo.gov) Appeals E-mail: [appealtribunal@labor.mo.gov](mailto:appealtribunal@labor.mo.gov)

## Important Telephone Numbers

Unemployment Insurance  
*(To file for benefits or to get claims information)*  
 Toll Free: 800-320-2519

Or locally at: Jefferson City: 573-751-9040  
 Kansas City: 816-889-3101  
 Springfield: 417-895-6851  
 St. Louis: 314-340-4950

Tax/appeal Information: 573-751-3215

Unemployment State Tax Automated  
 Reporting (USTAR): 573-751-1995

Employer Contributions: 573-751-3328

Unemployment Insurance Programs:  
 573-751-9832

Quality Control: 573-751-3366



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## Division of Labor Standards

*Carla Buschjost, Director*

3315 West Truman Blvd. Room 205    P.O. Box 449    Jefferson City, MO 65102-0449

Telephone: 573-751-3403    Fax: 573-751-3721

Home page: [www.labor.mo.gov/lb](http://www.labor.mo.gov/lb)    E-mail: [laborstandards@labor.mo.gov](mailto:laborstandards@labor.mo.gov)

### ***Important Telephone Numbers***

On-Site Safety and Health Consultation: 573-751-3403    Wage and Hour: 573-751-3403

Mine and Cave Safety and Health: 573-751-3403    Workers' Safety Program: 573-751-3403

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## Division of Workers' Compensation

*Peter Lyskowski, Acting Director*

3315 West Truman Blvd. Room 131    P.O. Box 58    Jefferson City, MO 65102-0058

Telephone: 573-751-4231    Fax: 573-751-2012

Home page: [www.labor.mo.gov/wc](http://www.labor.mo.gov/wc)    E-mail: [workerscomp@labor.mo.gov](mailto:workerscomp@labor.mo.gov)

### ***Important Telephone Numbers***

Employee Information Line: 800-775-2667    Second Injury Fund – Benefits: 573-526-3543

Employer Information Line: 888-837-6069    Second Injury Fund – Collections: 573-526-5756

Workers' Safety Program: 573-526-5757    Fraud and Noncompliance Unit: 800-592-6003

Dispute Management Unit: 573-526-4951    Medical Fee Disputes Unit: 573-526-5610

Insurance Unit: 573-526-3692    Religious Exception: 573-522-2546

Physical Rehabilitation: 573-526-3876    Injury Processing Unit: 573-526-3542

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## Missouri Commission on Human Rights

*Alisa Warren, Executive Director*

3315 West Truman Blvd. Room 212    P.O. Box 1129    Jefferson City, MO 65102-1129

Telephone: 573-751-3325    Fax: 573-526-5090    Toll Free: 877-781-4236

Home page: [www.labor.mo.gov/mohumanrights](http://www.labor.mo.gov/mohumanrights)    E-mail: [mchr@labor.mo.gov](mailto:mchr@labor.mo.gov)



## **State Board of Mediation**

*Jim Avery, Chair*

3315 West Truman Blvd. Room 211      P.O. Box 2071      Jefferson City, MO 65102-2071

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Home page: [www.labor.mo.gov/sbm](http://www.labor.mo.gov/sbm)      E-mail: [sbm@labor.mo.gov](mailto:sbm@labor.mo.gov)

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## **Relay Missouri Service**

If calling by home or cell phone, dial 711. All other callers should dial 800-735-2966.

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## **Sending E-mail**

You may contact employees of the Missouri Department of Labor and Industrial Relations using the following guide for e-mail addresses.

Firstname.Lastname@labor.mo.gov

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## **For Research and Statistical Data**

E-mail: [publicaffairs@labor.mo.gov](mailto:publicaffairs@labor.mo.gov)

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## **Press Inquiries**

Amy Susan, Director of Communications

Telephone: 573-751-7500      E-mail: [Amy.Susan@labor.mo.gov](mailto:Amy.Susan@labor.mo.gov)

### **Department Discovers Insurers, Employers Committed Fraud by Misreporting Worker Deaths**

This year, the Missouri Labor Department discovered that hundreds of Missouri families may have been denied their right to receive death benefits ensuing from a loved one's fatality that occurred at work.

An investigation conducted by the Department's Division of Workers' Compensation (DWC) discovered that numerous insurers and employers failed to report workers killed on the job. Other insurers and employers failed to provide information about the worker's dependents to the DWC. These violations possibly have denied death benefits to hundreds of Missouri families.

It is required under Missouri law that insurers/employers file a First Report of Injury to the DWC within 35 days for all injuries and deaths that occur at work. Additionally, the insurers and employers are required to maintain records of the correct names and addresses for the dependents of each employee. Failure to provide this information prevents the DWC from notifying grieving families of their rights under the law and eligibility for compensation.

"The moral and legal obligation of these insurers and employers to the beneficiaries has been breached," said Labor Department Director Larry Rebman. "Their actions are irresponsible and illegal and we will make sure they are held accountable."

The DWC's investigation included cases stemming from 1998 to 2009, which revealed that 2,090 Missouri workers were killed on the job. The investigation uncovered approximately 200 workers deaths not reported to the DWC by insurers or employers. The investigation also led to the discovery of another 230 cases where known dependents were not reported at all. The DWC is working with the Attorney General's Office to further investigate and prosecute offenders.

"Those found guilty of fraud could face fines, prison time, or both," said Rebman.

In an effort to notify these Missouri families of the benefits they deserve, the Department began sending out letters in July again requesting that employers and insurers provide dependent information for the 230 cases. The DWC's fraud Unit currently is investigating 42 of these insurers or employers who either refused to respond to our request, or indicated there were no surviving dependents or no known surviving dependents of the deceased.

The DWC also began contacting family members whose loved ones died on the job from 1998 to date, by using the deceased worker's last known phone number. This investigation uncovered nine dependents who had not been compensated from the death of a family member, nor were they aware of any benefits for which they might be eligible to receive.

"It is not the employer's or insurer's decision whether the injury or death was work related," said Rebman. "These employers and insurers were negligent in reporting this information to us and this behavior will not be tolerated."

Dependents may be entitled to weekly benefits, assistance with the deceased employee's medical expenses and funeral expenses of up to \$5,000. Children of the deceased also can apply for educational scholarships through Kids' Chance of Missouri, a charitable organization that raises funds for children who lost a parent due to a work-related accident or occupational disease.

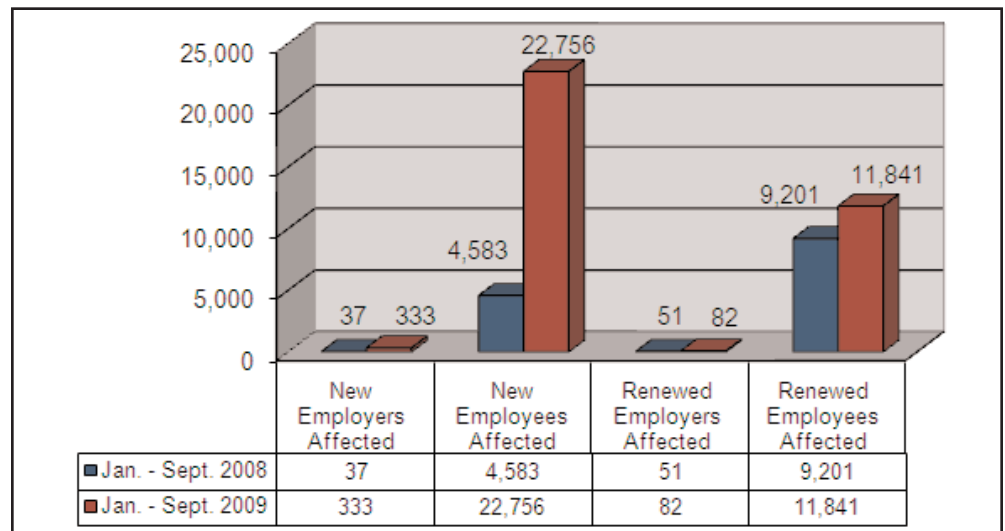
To learn more about survivor's benefits or to find out if you are covered under workers' compensation, call 800-775-2667 or visit [www.labor.mo.gov/wc](http://www.labor.mo.gov/wc).

## Job-Saving Program Sees 486 Percent Participation Increase

In 2009, more Missouri employers took advantage of the Missouri Labor Department's Shared Work Program than ever in the state's history. The program is administered by the Department's Division of Employment Security (DES) and is an alternative to lay-offs for businesses experiencing a decrease in available work. Instead of resorting to staff lay offs, these employers have instead opted to decrease the number of production hours per week for some staff.

In 2008, the program enrolled 65 new participants, saving 16,274 jobs. That same year, 76 employers renewed their participation, saving 16,432 jobs. New participation increased by 486 percent with 381 more employers joining the program in 2009, allowing 24,762 workers to keep their jobs. Renewed participation increased by 36.8 percent in 2009, allowing another 16,232 Missourians to keep their jobs. Today, there are a total of 485 employers participating in the Shared Work Program and maintaining their workforce of 40,994 people.

In an effort to save more jobs, the Department has promoted its Shared Work Program to employers faced with a reduction in available work. For the months of January 2009 through November 2009 (latest figures available), the DES paid \$16.6 million in Shared Work benefits. If these same employers who participated in the program had laid off 40 percent of their employees, it is estimated that the workers would have received \$24.2 million in regular unemployment insurance (UI) benefits. That is a \$7.6 million savings to the UI Trust Fund, which provides for the payment of weekly UI benefits to qualified claimants.



### How it Works:

A firm facing a 20 percent reduction in production usually lays off one-fifth of its workforce. Faced with this situation, a company could retain its total workforce on a four-day-a-week basis. This reduction from 40 hours to 32 hours cuts production by the required 20 percent without reducing the number of employees. All affected employees receive their weekly wages based on four days of work and in addition, receive a portion of unemployment compensation benefits equal to 20 percent of the unemployment compensation weekly benefit amount payable had the employee been unemployed a full week.

An employee normally works a 40-hour week. The employer has to reduce the work schedule by 20 percent. The employer submits a plan and it is approved under the Shared Work Program. In this example, if the employee qualifies for regular unemployment compensation with a weekly benefit amount (WBA) of \$270:

- 20% x 40 hour work week = 8 hours
- Employee works and earns wages for 32 hours
- 20% x \$270 WBA = \$54
- The employee would receive \$54 of unemployment benefits in addition to the 32 hours of wages earned from the employer.

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“The Shared Work Program allows employers to reduce their labor costs, while maintaining their experienced workers,” said Labor Department Director Larry Rebman. “An employer is able to keep up with demand, the employee gets to keep his job and maintain a steady income, and additional strain is not placed on the UI Trust Fund.”

If an employer chooses to participate in the program and his Shared Work Plan is approved, the employer is allowed to divide the available work among a specified group of affected employees. Also, the worker may be eligible to collect partial UI benefits, based on how much the work has been reduced.

“During these tough economic times, it is important that employers know they have other options besides laying off their experienced, quality workers,” said Rebman. “This program has helped hundreds of employers bridge the gap until the economy changes for the better.”

Or, for more information call 573-751-WORK or visit the Internet site, [www.sharedwork.mo.gov](http://www.sharedwork.mo.gov).

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### **Labor Department Collects More Than \$1 Million in 2009 from Individuals Fraudulently Receiving UI Benefits**

So far this year, the Missouri Labor Department has collected more than \$1 million from individuals charged with stealing by deceit.

Investigations conducted by the Department’s Fraud and Noncompliance Unit, a unit housed with the Department’s Division of Employment Security (DES), resulted in 249 individuals pleading guilty to charges of fraudulently receiving unemployment insurance (UI) benefits from the state in 2009.

“The Department is committed to ensuring these funds get into the hands of those for whom it is intended,” said Labor Department Director Larry Rebman. “At the same time, we will aggressively pursue those who attempt to cheat the system.”

Routine audits revealed the ineligible individuals received UI benefits by providing false information on their weekly applications for UI benefits. This caused benefits to be improperly paid. When the DES determines a claimant has been overpaid or fraudulently received benefits, benefit charges leveled against the claimant’s employer(s) are credited back. For reimbursable employers, the employer receives a credit that can be applied to its next billing or refunded upon request.

Unemployment benefits are intended for those who become unemployed through no fault of their own. In fiscal year 2009, there was a 48.7 percent increase in initial UI claims filed with 567,542 filings. In fiscal year 2008, 388,282 initial UI claims were filed.

“Unemployment Insurance was created to give unemployed Missourians some income to pay for the things they need until they get back on their feet,” said Rebman. “We have no tolerance for individuals who attempt to cheat the system. Those that do will be caught by our investigators and ordered to pay the money back.”

The Department is looking at ways to increase its ability to further reduce fraud, including denying future benefits to those who commit fraud and giving DES more tools to use in collecting money from those who commit fraud. Currently, Missouri law allows those found guilty of fraud to collect UI benefits despite having outstanding penalties. Over the past few years, these penalties have totaled more than \$11 million.

For more information about how to file an UI claim, visit [www.labor.mo.gov](http://www.labor.mo.gov).

## **More Than \$800,000 in Prevailing Wage Dollars Returned to Missouri Workers in 2009**

The Missouri Labor Department's ongoing efforts to protect Missouri's wages, has led to more workers being fully compensated for their work in 2009.

The Department's Division of Labor Standards (DLS) vigorously pursued prevailing wage violators of public works projects, which resulted in more than \$800,000 in returned wages to workers. The prevailing wage rate is the minimum wage amount set by county and occupational title that must be paid to workers on Missouri public works construction projects. Public works projects are those constructed for public use or benefit, or paid for wholly or in part out of public funds.

"When contractors and subcontractors pay their workers less than the prevailing wage rates, they are violating the law," said Labor Department Director Larry Rebman. "In the coming year, my office will continue to pursue those who attempt to cheat workers out of their hard-earned money."

In calendar year 2009, prevailing wage investigations conducted by the DLS resulted in 127 violations, which affected 924 workers statewide. The Department assessed \$813,463.39 in owed wages as a result of these violations and has since collected and returned to workers \$802,105.21 in wages.

The most recent violation occurred when a St. Louis contractor, Colortech Painting and Design LLC, paid 25 of its workers less than the prevailing wage rates as required by law. DLS investigators discovered the contractors did not pay the 25 workers fringe benefits such as health care benefits or pension benefits. The prevailing wage rate is made up of the base rate and fringe benefits amount assigned to each occupational title.

In addition, the Colortech failed to register apprenticeships at the U.S. Office of Apprenticeships for eight of the 25 workers, resulting in a payment of lower wages. The contractor has since been removed from the job and the workers have been paid \$27,360 in restitution, collectively.

For more information regarding Missouri's prevailing wage rates, visit [www.labor.mo.gov/lis/prevailingwage/index.asp](http://www.labor.mo.gov/lis/prevailingwage/index.asp).

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## **More Than 5,000 Workplace Hazards Abated through Department's Free Safety and Health Program** ***Missouri SHARP Recognizes Two Exceptional Businesses in 2009***

Since its inception in 1992, the Missouri Labor Department's Safety and Health Achievement Recognition Program (SHARP) has recognized 62 Missouri small businesses for operating exceptional safe and healthy workplaces.

SHARP is a reward program designed to provide incentives and support to smaller, high-hazard employers to work with their employees to develop, implement, and continuously improve the effectiveness of their workplace safety and health programs.

In 2009, two Missouri businesses received the prestigious SHARP award: National Home Products of Springfield, Inc.; and Thermal Engineering International (USA), Inc. in Joplin.

"These businesses have proven that they're the best in terms of providing a safe and hazard-free workplace," said Larry Rebman, Director of the Labor Department. "That's why we take pride in rewarding businesses that take an active interest in improving their safety and health operations,

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which reduces workplace injuries,” Rebman added.

A small business is defined as those having no more than 250 employees on site, or no more than 500 employees at all nationwide worksites. To become a part of SHARP, an employer has to request an on-site safety and health consultation, which is provided at no cost and is administered by the Department’s Division of Labor Standards’ On-Site Safety and Health Section. A consultant visits the workplace and helps the employer locate and remove existing hazards in the facility, and find inexpensive solutions, reducing injuries and illnesses. SHARP participants can receive up to a three-year exemption from certain Occupational Safety and Health Administration (OSHA) inspections, lower their workers’ compensation, and reduce their out-of-pocket expenses.

Businesses have a responsibility under OSHA and the Mine Safety and Health Administration (MSHA) to ensure their workplaces are in compliance with established federal safety and health laws. When OSHA or MSHA violations are found, an employer can face fines and penalties.

So far in calendar year 2009, SHARP has saved Missouri employers \$3,650,992.00 in OSHA penalties, and our consultants have identified 5,276 hazards during 512 on-site visits.

Acceptance into the Missouri SHARP is an achievement that distinguishes businesses as a model for other small businesses to follow. Currently, there are 26 members in the SHARP:

## ***SHARP Participants***

- American Dehydrated Food North
- American Dehydrated Food R & D
- American Dehydrated Food South
- Central States Industrial Equipment
- Classic Woodworking, Inc.
- Covenant Church Furniture
- Diesel Exchange, Inc.
- Doing Steel Inc.
- Edge Mfg. Co.
- Edward L. Baker, Enterprises
- Ellington Industrial Supply
- Industrial Wood Products, Inc.
- International Dehydrated Foods
- K & S Wire Products, Inc.
- Lutheran Good Sheppard Home
- Lutheran Nursing Home
- MOCAP, Inc. (Farmington)
- MOCAP, Inc. (Park Hills)
- National Home Products of Springfield
- Osment Models Inc. dba Woodland Scenics
- Ozark Steel Fabricators, Inc.
- Smith Flooring, Inc.
- The Scoular Company
- Thermal Engineering International
- Wil Fischer Distributing Co.
- Window Technology

In efforts to increase participation, the Department conducted a media campaign, holding news conferences at several SHARP locations, sending press releases out statewide to media outlets, and ran a three-month radio advertisement on 62 radio stations around the state. In addition, the Department rebranded the program to further enhance awareness by creating a new easy-to-remember phone number and Web address. New publications and Web pages also have been created and soon will be available to the public.

This year, the Department recognized two SHARP employers for continuing exceptional safe and healthy practices. The two business were: Diesel Exchange, Inc. in Springfield; and Edge Mfg. Co. in St. Louis.

For more information about SHARP or to request a free safety and health consultation, please visit [www.labor.mo.gov/SAFE](http://www.labor.mo.gov/SAFE) or call 573-522-SAFE.



## **Missouri's Tort Victims' Compensation Fund Releases Millions in Checks to Injured Persons**

The Missouri Labor Department's Division of Workers' Compensation (DWC) issued millions of dollars in payments through the Tort Victims' Fund to tort victims who were injured due to the negligence or reckless behavior of another (such as in a motor vehicle collision or a hunting accident). The victims made claims against the Fund because they received little to no compensation for their injuries due to the fact the person at fault was uninsured or did not have adequate insurance.

Last summer, 62 victims who filed claims in 2006, 2007, and 2008 received their share of more than \$2.4 million, which was distributed from the Tort Victims' Compensation Fund. At 21.1 cents on the dollar, this is the largest payout since the Fund began accepting claims in 2001. The average payout is 8.05 cents on the dollar. The DWC had been unable to compensate tort victims since 2005 because the Fund was insolvent.

"In many cases, tort victims are awarded damages that a jury finds appropriate. However, only a small portion of those damages are actually collected due to the fact that the person who caused the injury had little or no insurance," said Larry Rebman, Director of the Labor Department. "The money distributed to these claimants from the Fund will help them pay medical bills and take care of some of their expenses."

A recent civil lawsuit resulting in a large amount of punitive damages judgments paid into the Fund was the contributing factor leading to the recent payout.

As of November 30, 2009, 30 additional claims have been filed against the Tort Victims' Compensation Fund during the 2009 Annual Claims Period. Historically, 50 percent of claims filings are submitted during November and December. The DWC will begin reviewing those claims in January.

The Missouri Tort Victims' Compensation Fund was established by the legislature in 1987. However, a means for tort victims to receive payment from the Fund was not established until 2001 after the General Assembly enacted legislation. Since the inception of the Fund, 503 tort victims have received a total of more than \$8.7 million.

For more information about the Tort Victims' Compensation Fund or to file a claim against the Fund, call 573-751-4231, or visit [www.labor.mo.gov/wc/tort/index.htm](http://www.labor.mo.gov/wc/tort/index.htm).

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## **MCHR Investigation Led to Record Housing Discrimination Award**

A discrimination complaint brought to the Missouri Commission on Human Rights (MCHR) led a St. Louis County Circuit Court to order an apartment owner and manager to pay \$300,000 in damages to tenants whom they mistreated, a record housing discrimination award for Missouri.

The case involved a landlord who had discriminated against two tenants with disabilities by removing the ramp which the tenants used to enter and exit their apartment, trapping them for approximately three weeks.

"The law has no tolerance for discrimination. When housing providers make their apartments inaccessible to people with disabilities, they are breaking the law," said Alisa Warren, Executive Director of the MCHR.

The tenants are mobility-impaired and use wheel chairs and scooters. They had their own metal



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ramp installed to their apartment door to allow them to enter and exit. When the building ownership changed hands, the new property manager removed their ramp several times after the tenants' family members reinstalled it. Finally, the defendants made changes to the apartment grounds so that it would no longer accommodate the ramp, causing the tenants to be homebound and unable to enter or exit their apartment for approximately three weeks. Eventually, the tenants had to move to a new apartment.

"Landlords are required by law to allow tenants to make reasonable modifications to existing premises to accommodate their disabilities," said Alisa Warren, Executive Director of the MCHR. "The court found the defendant's actions to be illegal and unconscionable and therefore ordered the appropriate remedies."

The judge ordered a default judgment of \$50,000 in actual damages and \$100,000 in punitive damages to each resident, for a total award of \$300,000. This is the largest award of damages in a housing case in MCHR history. The court also ordered the landlord to cease and desist from such unlawful discrimination.

In fiscal year 2009, the MCHR processed 2,023 discrimination complaints and closed 1,914 cases. Of the total complaints received, 115 or 5.7 percent were for housing; 1,717 or 85 percent were for employment; 191 or 9.3 percent were for public accommodations.

The MCHR is an independent commission housed in the Missouri Department of Labor and Industrial Relations. It is responsible for enforcing the Missouri Human Rights Act which prohibits discrimination in employment, housing, and places of public accommodation because of race, color, religion, national origin, ancestry, sex (including sexual harassment and pregnancy), disability and age (in employment only), and familial status (in housing only).

For more information about the MCHR or to file a discrimination or harassment complaint, visit [www.labor.mo.gov/hr](http://www.labor.mo.gov/hr) or call 573-751-3325.

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## **State's Minimum Wage Workers Received Wage Increase in July** ***Workers will not Receive Additional Increase in January 2010***

On July 24, 2009, Missouri employers, except retail or service businesses whose gross volume sales made or business done is less than \$500,000, are required to pay their employees the increased minimum wage rate of \$7.25 per hour.

The state minimum wage rate was increased by 20 cents from \$7.05 to \$7.25 as a result of a federal minimum wage increase, which cannot be higher than the state minimum wage amount. However, on January 1, a decrease in the Consumer Price Index (CPI) will not cause the state's minimum wage rate to decrease because the state rate cannot be lower than the federal minimum wage amount.

On September 30 of each year, the director of the Missouri Labor Department is required to adjust Missouri's minimum wage amount based on changes to the CPI. An increase in the CPI would have resulted in an increase to the minimum wage rate effective January 1, 2010.

Missouri voters approved changes to the minimum wage law in 2006. Since the effective date of January 1, 2007, through December 7, 2009, the Department has received 1,824 wage complaints from employees resulting in 658 violations and affecting 4,922 employees. The Department of Labor investigates all wage complaints submitted from employees who have not received payment. To file a

wage complaint or to learn more about the minimum wage rate, visit [www.labor.mo.gov/lr/minimumwage/index.asp](http://www.labor.mo.gov/lr/minimumwage/index.asp) or call 573-751-3403.

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## **Labor's 2009 Legislative Highlights**

During the 2009 legislative session, of the many bills that were proposed and would have a long-lasting impact on the Department, only a few were Truly Agreed and Finally Passed into law by the Missouri Legislature. These bills include:

### ***Unemployment Insurance***

The Labor Department proposed language to draw down \$133 million in federal stimulus dollars provided for in the American Recovery and Reinvestment Act. After lengthy debate, compromise language on the duration of benefits was inserted into House Bill (HB) 1075, and the bill was Truly Agreed and Finally Passed on May 15 – the last day of the legislative session, and signed into law by Gov. Nixon on June 12. While some provisions of HB 1075 were not certified by the U.S. Department of Labor, Missouri was able to begin paying extended benefits (EB) to unemployed workers.

As of December 1, 2009, the Division of Employment Security already has distributed more than \$65 million in EB to Missouri's long-term unemployed as allowed under HB 1075.

### ***Workers' Compensation***

On June 19, Gov. Nixon signed HB 580 into law. HB 580 created a Line of Duty Compensation Fund for law enforcement officers, fire fighters, emergency medical technicians, air ambulance registered professional nurses, etc., killed in the line of duty, providing their dependents with \$25,000. The Division of Workers' Compensation began accepting applications for this benefit in 2009. At present, the Line of Duty Compensation Fund does not have any funding appropriated for the payment of benefits.

### ***Labor Standards***

HB 390 was Truly Agreed and Finally Passed by the Missouri Legislature. Provisions concerning RSMo 292.675 clarified requirements for on-site employees of contractors performing work on public works projects must complete required safety training equivalent to OSHA 10 Hour or approved by the Division of Labor Standards.

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*Missouri is home to some of  
the hardest-working,  
most productive men and  
women in the world.*

”

*- Gov. Jeremiah W. (Jay) Nixon*

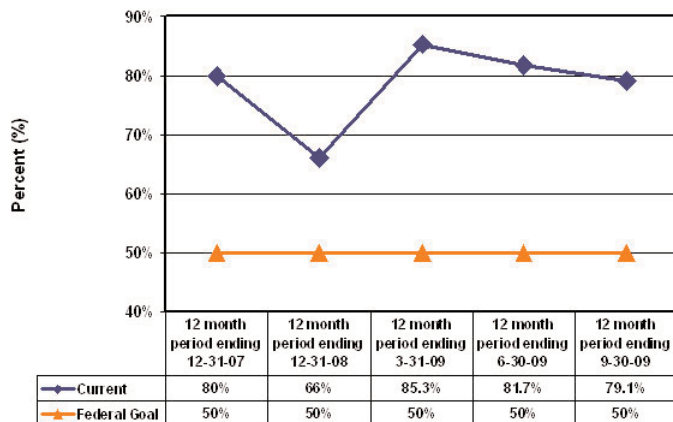
# Performance Measures

## PERFORMANCE MEASURES

# Labor and Industrial Relations Commission

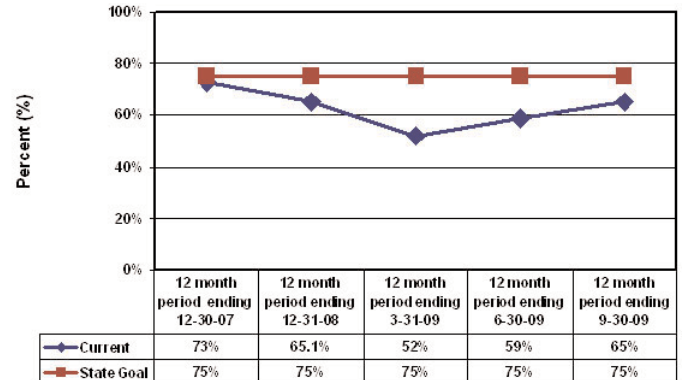
### ***Unemployment insurance appeals to the Labor and Industrial Relations Commission issued within 45 days.***

From the date the application is filed with the Labor and Industrial Relations Commission (LIRC) and until the date the LIRC issues its decision.



### ***Workers' compensation appeals related to awards issued by the Labor and Industrial Relations Commission within 180 days.***

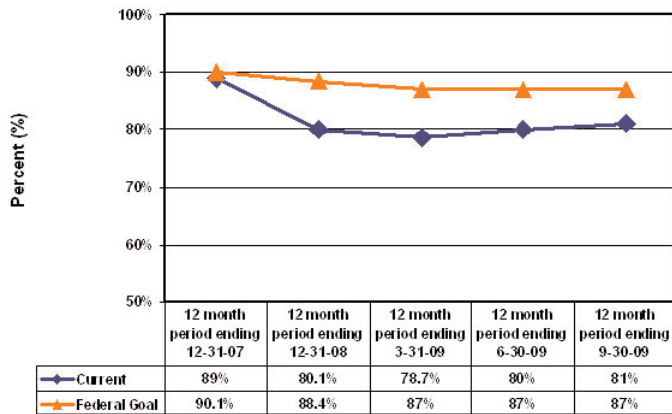
The average number of days from application for review to final award by the LIRC. This excludes dismissals, settlements, and modifications.



## Division of Employment Security

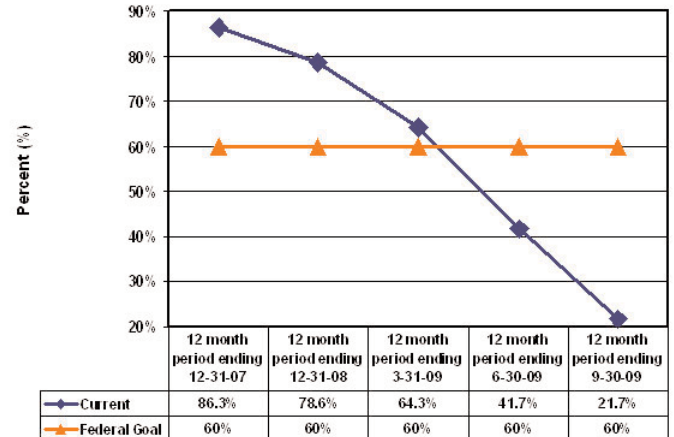
### ***Unemployment insurance intrastate first payments made within 14 days of compensable week.***

The percentage of first payments made within 14 days, including all first payments except work share. The percentage is a computation of the number of days elapsed from the week-ending date of the first compensable week in the claim benefit year to the date the payment is made in person, mailed, or offset or intercept is applied on the claim.



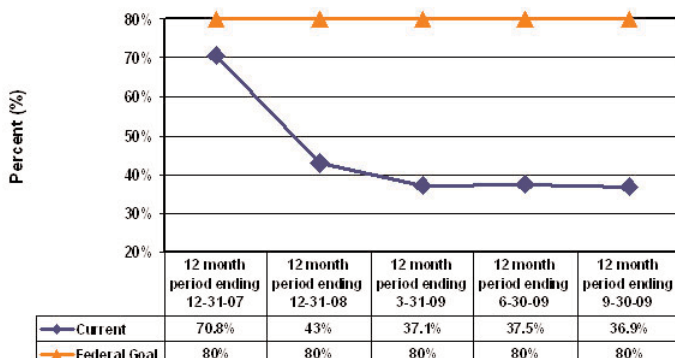
### ***Unemployment insurance appeals decisions issued by the Appeals Tribunal within 30 days.***

This measure begins the date the appeal is filed with the Division of Employment Security's Appeals Section and ends the date the decision is mailed. Appeals include Labor Disputes, regular UI benefits, federal, military, wage credits, benefit overpayment assessments, tax intercepts, and extended benefits. Trade Readjustment Allowances are not included.



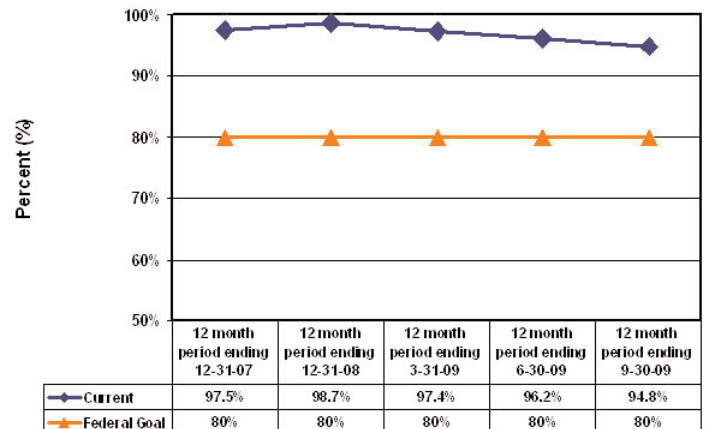
### ***Unemployment insurance non-monetary decisions on separation issues completed within 21 days.***

This percentage is a computation of the number of days elapsed from the week-ending date of the first week affected by the separation determination to the date on the determination that resolves the issue. All determinations are measured as a percentage within 21 days of detection date, excluding any non-monetary issues identified by the Benefits Accuracy Measurement (BAM) or Benefits Payment Control (BPC) Subunits. Timeliness is based on the number of days elapsed from date of detection by the state or any non-monetary separation issue that had the potential to affect the claimant's past, present, or future benefit rights to the date of the separation determination.



### ***Unemployment insurance appeals that meet federal quality standards.***

Eighty percent of lower authority appeals have quality scores of 85 percent of potential scores.



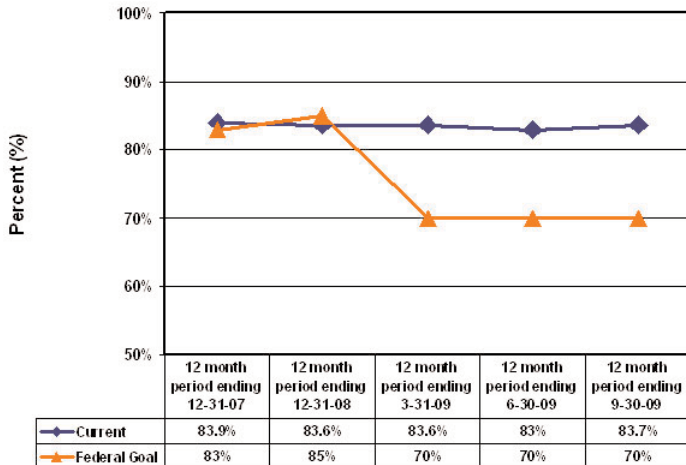


# PERFORMANCE MEASURES

## Division of Employment Security

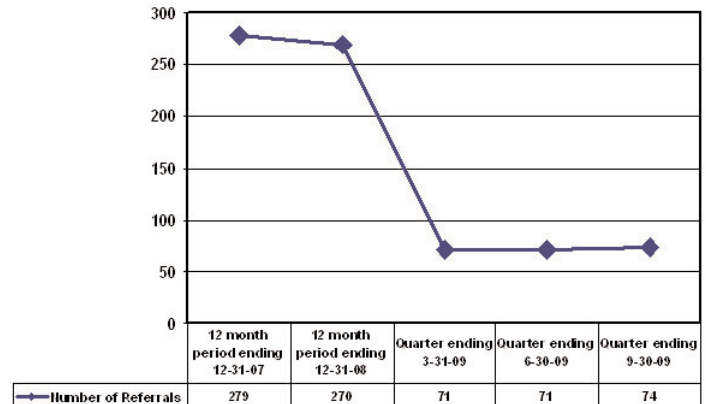
### Tax liability status of new employers made within 90 days.

This measure is the percentage of new employer status determinations made within 90 days from the last day of the quarter in which the business first became liable (for newly established employers) or re-established liability (for previously terminated accounts) or was reactivated (for previously inactivated accounts).



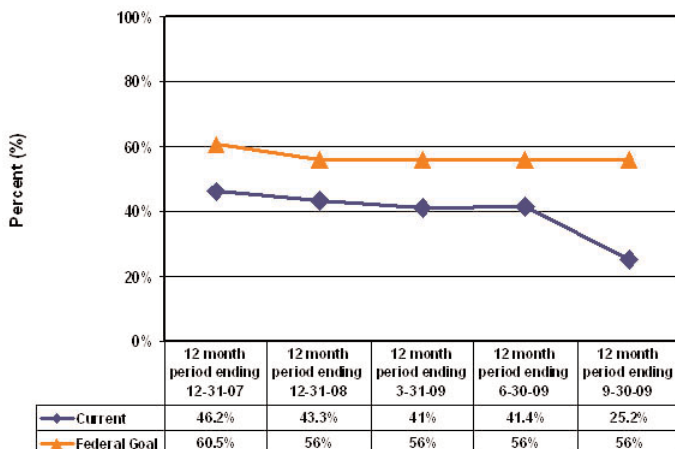
### Unemployment insurance cases referred for prosecution.

The number of fraud cases referred for prosecution by the Missouri Division of Employment Security.



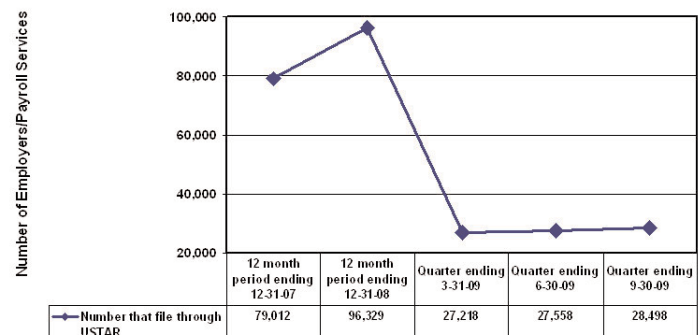
### Detection of unemployment insurance overpayments that will be established for recovery.

This measure is a computation of the amount of recoverable dollar overpayments established, which is the estimate of recoverable dollar overpayments most detectable through state operations.



### Employers/payroll service companies that file quarterly contribution and wage reports through USTAR.

Number of employers and payroll service companies filing quarterly contribution and wage report through the Unemployment State Tax Automated Reporting (USTAR) system.

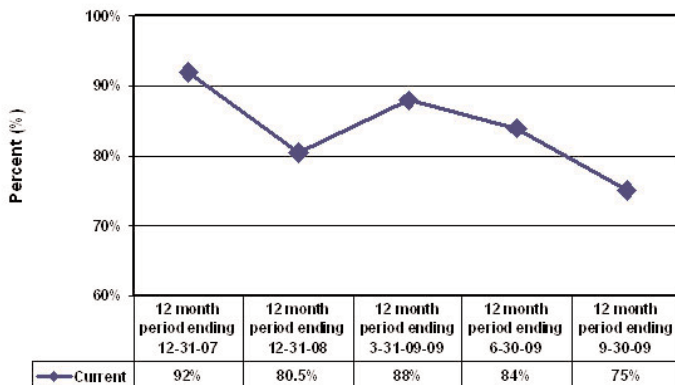




## Division of Labor Standards

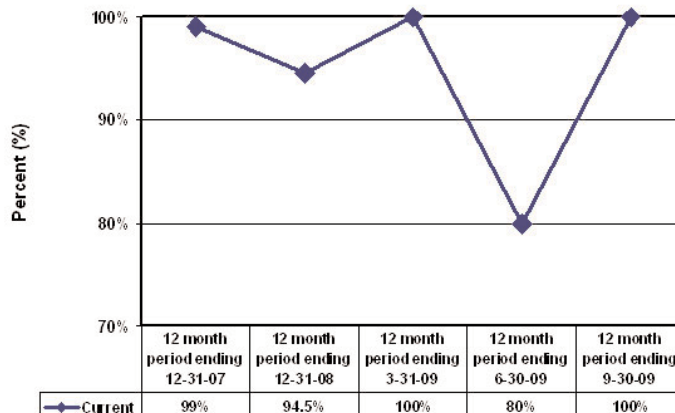
### ***Prevailing wage investigations completed within an average of 120 days.***

Determine when complaint case is closed within date range (quarter) then compute the number of days the case is open. A case is opened when it is assigned to an investigator and closed when a determination is made of violation found or no violation found. Arrive at the average number of days cases are open by totaling the days of all cases closed within the date range for all investigators and dividing the total by the number of investigators.



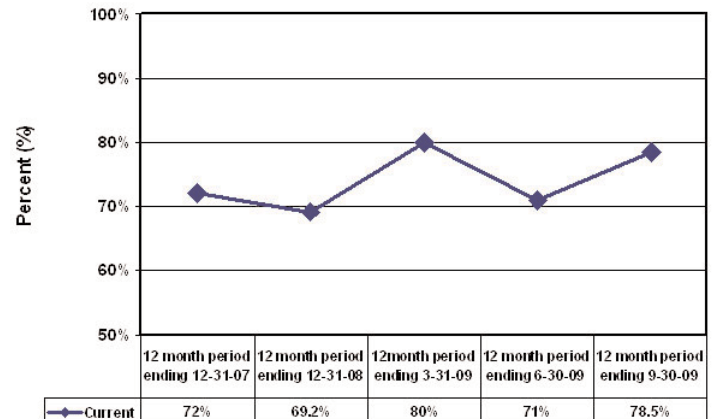
### ***Child labor investigations completed within an average of 90 days.***

Determine when an investigation is completed within date range (quarter) then compute the number of days investigation took to resolve from when investigation began. Beginning dates are 1) the date a child labor complaint case is assigned to an investigator and 2) the date a child labor investigation begins at the initial contact/review of business (employer).



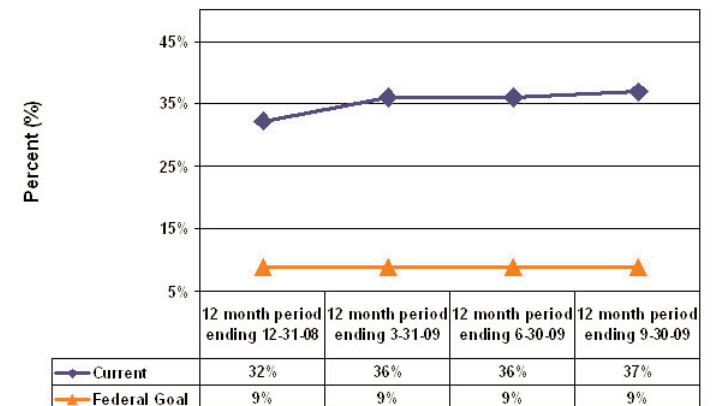
### ***Requests for safety and health consultations from first-time participants of the Missouri Safety and Health Consultation Program.***

This measure represents the number of first-time participants with the On-Site Safety and Health Consultation program as a percentage of the total participants.



### ***Serious hazards identified by the Missouri Safety and Health Consultation Program corrected on site.***

This measure represents the number of serious hazards corrected on site as a percentage of total serious hazards.

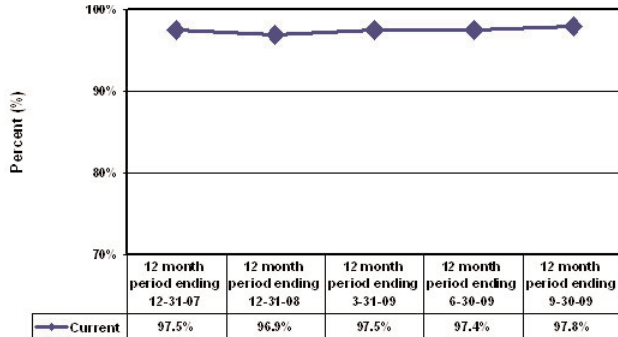


# PERFORMANCE MEASURES

## Division of Workers' Compensation

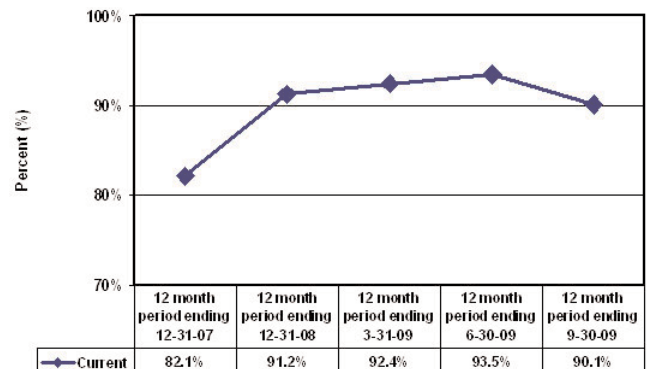
### **Workers' compensation decisions by Administrative Law Judges issued within 90 days.**

This item is measured from the last date of the hearing to the date the award is signed by the Administrative Law Judge.



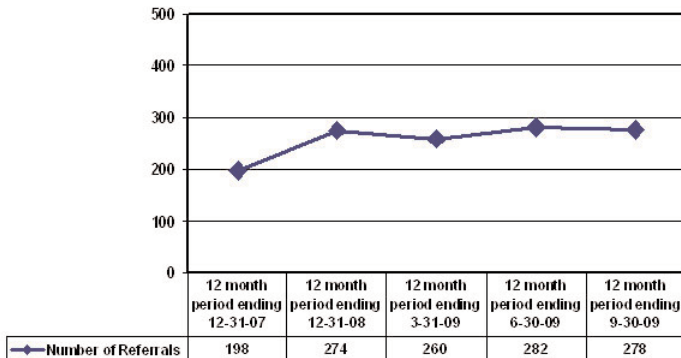
### **Workers' compensation, fraud and noncompliance cases completed within 120 working days.**

This item is measured from the date the complaint is received to the date the investigation is completed either through a referral or a determination that the complaint has no basis.



### **Number of workers' compensation cases referred for prosecution.**

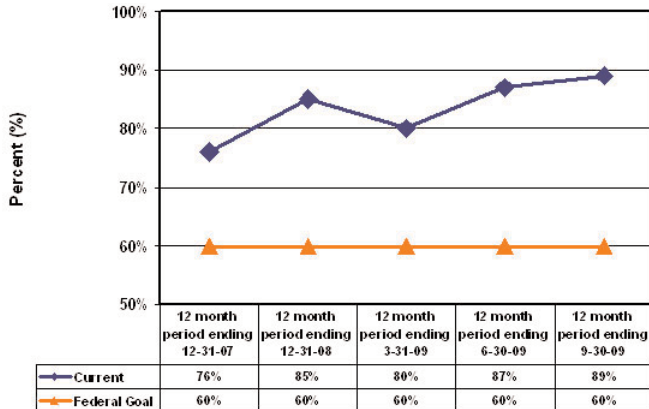
The number of fraud and noncompliance cases referred for prosecution by the Missouri Division of Workers' Compensation.



## Missouri Commission on Human Rights

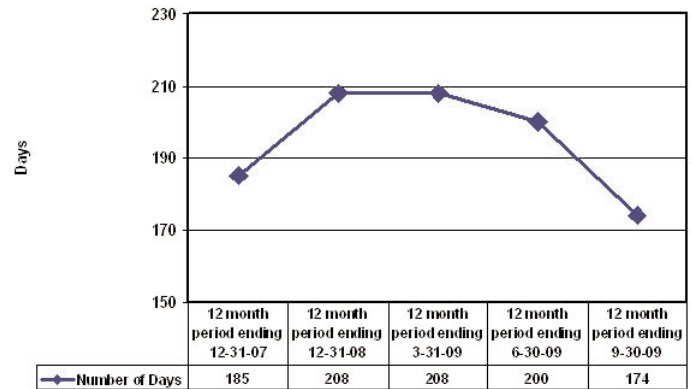
### **Human rights investigations involving housing completed within 100 days of complaint receipt.**

This measure represents the date the case is filed and submitted to the time the Commission on Human Rights makes a decision.



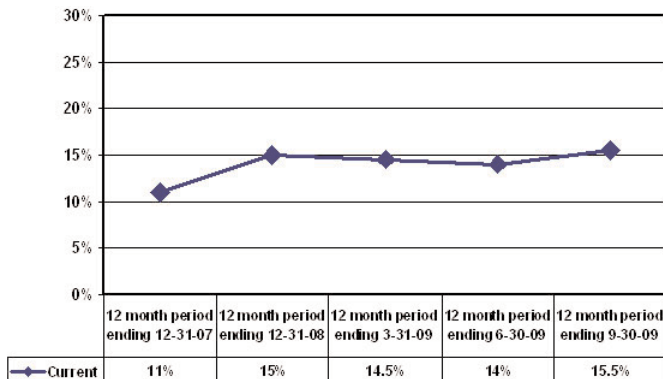
### **Average processing time of 180 days for completed investigations involving employment, housing, and public accommodation.**

This measure presents the time a case is filed until the date the case is closed. Measure excludes probable cause cases.



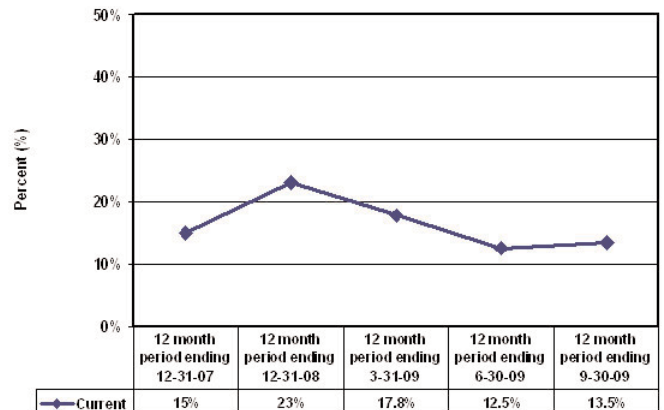
### **Employment, housing, and public accommodations cases resolved with monetary or nonmonetary benefits.**

This represents the number of cases received and resolved as settlements/conciliations.



### **Discrimination cases closed through early resolution.**

This represents the number of cases received in employment and public accommodations and the number of cases participating in early resolution.





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*My administration is going to do everything it can to spark innovation, job creation, and business growth in every corner of Missouri.*

”

*- Gov. Jeremiah W. (Jay) Nixon*

# Department Details

## DEPARTMENT DETAILS

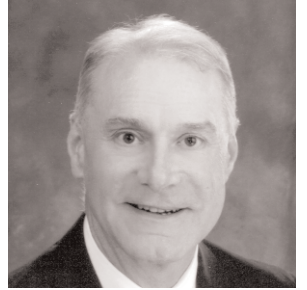
# Labor and Industrial Relations Commission

The Labor and Industrial Relations Commission is created by Section 49, Article IV of the Missouri Constitution. The Labor and Industrial Relations Commission (LIRC) is composed of three commissioners. Each commissioner is appointed to a staggered six-year term by the governor with the advice and consent of the Senate. One member of the commission, a licensed Missouri attorney, represents the public. The other two members represent employers and employees, respectively. The governor designates one member as chair.

The LIRC hears appeals from administrative decisions in workers' compensation, unemployment compensation, crime victims' compensation, and tort victims' compensation cases. The LIRC also hears and decides prevailing wage disputes. The LIRC also hears matters involving project labor agreements pursuant to Section 34.216 RSMo. In addition, the Commission is charged with the statutory authority to approve or disapprove all rules or regulations declared by the divisions within the Labor Department. The LIRC nominates and the governor appoints a Director to be chief executive officer of the Labor Department with the advice and consent of the Senate.

### ***State Fiscal Year 2009***

4,367	Unemployment Insurance Appeals Decisions Issued
564	Workers' Compensation/Crime Victim Appeals Decisions Issued
15	Prevailing Wage Objection Decisions Issued
1	Project Labor Agreement Petitions Filed and Orders Issued



*William F. Ringer  
Chair  
Public Member*



*Alice A. Bartlett  
Commissioner  
Employer Member*



*John J. Hickey  
Commissioner  
Employee Member*

[www.labor.mo.gov/lirc](http://www.labor.mo.gov/lirc)



## Division of Employment Security

The Division of Employment Security (DES) collects tax contributions from employers and pays unemployment insurance (UI) benefits to individuals who are determined eligible under the law. State unemployment tax contributions paid by Missouri employers into the Missouri Unemployment Trust Fund (UTF) are set aside for the sole purpose of providing for the payment of weekly UI benefits to qualified claimants.

The UI benefits paid to insured workers help maintain the economy of the state during periods of economic downturn by helping preserve the level of consumer purchasing power. Payments of benefits under the regular UI program are made from a trust fund financed by the aforementioned employer tax contributions. No part of the contribution is deducted from worker wages.

This year, an extension in benefits was made available to persons who have exhausted all of their UI benefits and have been unable to find work. This new extension to the state's UI program allows eligible unemployed Missourians to receive up to 99 weeks of UI benefits – an extension of 73 weeks beyond the typical 26 weeks provide for under the Regular UI Benefit Program.

Trust fund insolvency and increased unemployment were challenges faced by the DES in 2009. The UTF paid out more than \$1 billion to Missouri's unemployed, forcing the state to borrow approximately \$360 million from the federal government. The state's unemployment rate rose from 7.1 percent in January to its current rate of 9.5 percent for November leading to a soar in UI customer phone calls into the DES. In fiscal year 2009, DES staff answered 1,062,005 calls compared to 849,537 in fiscal year 2008. Additionally, there were 4,304,253 weeks of UI benefits claimed, compared to 2,531,274 weeks claimed in fiscal year 2008.

One of the main objectives of the DES is the prompt payment of UI benefits to eligible claimants. A person must have worked in employment covered under the Missouri Employment Security Law and earned enough qualifying wages in order to establish a claim for UI benefits.

The DES also ensures that employers are properly classifying their workers, reporting their workers' wages, and paying the correct tax contributions on wages. Employers that misclassify workers avoid paying taxes to the UTF, which helps ensure the prompt payment of UI benefits to insured workers during periods of unemployment. In addition to some employers misclassifying their workers, some workers attempt to cheat the system by misreporting the facts which leads to UI benefits being improperly paid. So far this year, the DES has recovered more than \$1 million from individuals who fraudulently received UI benefits by deceit.



*Gracia Yancey Backer*  
Director

### **State Fiscal Year 2009**

137,513	Employers Liable for Contributions
14,307	New Employer Accounts Established
\$552,086,506.47	Employer Contributions Collected
2,646	Employer Compliance Audits Completed
567,542	Initial Claims Filed
\$890,111,000	Unemployment Insurance Benefits Paid
\$8,933,607	Unemployment Insurance Overpayments Collected
25,194	Appeals Filed



# Division of Employment Security

*(Continued)*

The DES's promotion of its Shared Work Program has led to an increase in new and renewed employer and employee participation in 2009. The Program is an alternative to layoffs for employers faced with a reduction in available work by allowing the employer to divide the work among a specified group of affected employees, instead of a layoff. This year, employer participation saved nearly 41,000 Missouri jobs.

The DES offers filing of unemployment claims via the Internet at [www.mocclaim.com](http://www.mocclaim.com). Referees conduct hearings and issue written decisions in regular UI benefit appeals, appeals involving the tax liability of an employer, and other special UI programs.

## Proposed Legislation

The Missouri Revised Statutes provides that the director of the Missouri Department of Labor and Industrial Relations shall prepare and submit an annual report for the governor and the commission. The yearly report shall cover the administration and operations of the Labor Department and list recommendations for amendments to the Missouri Employment Security Law as the Department director deems appropriate. This report is required by Section 288.260, RSMo.

The Division of Employment Security (DES) recommends the following amendments to Missouri Employment Security Law in an effort to assist with the administration of Missouri's Unemployment Insurance (UI) Program:

1. Modify Section 288.040, RSMo, to allow the DES to consider a claimant to be ineligible to receive UI benefits for as long as he/she has an outstanding penalty due that was assessed for a previous overpayment of UI benefits.
2. Modify Section 288.130, RSMo, to allow the DES to require employers with 50 or more workers to file their Missouri Quarterly Contribution and Wage Reports electronically by magnetic media or the Internet.
3. Modify Section 288.160 and 288.170, RSMo, to amend UI collection statutes. The modification would allow the service on the debtor by certified and registered mail, as well as filing a certificate of assessment with the recorder of deeds in the county of the debtor.
4. Modify Section 288.250, RSMo, to clarify that the DES may disclose UI information to state and federal officials as permitted by federal law.

The DES believes the provisions in these legislative proposals will help ensure Missouri's UI Program operates effectively and efficiently and assist the agency in meeting its performance goals.

[www.labor.mo.gov/es](http://www.labor.mo.gov/es)

## DEPARTMENT DETAILS

# Division of Labor Standards

The Missouri Division of Labor Standards (DLS) determines and enforces Missouri's prevailing wage, and administers and enforces the state's child labor and minimum wage laws. The DLS also helps protect Missouri workers by inspecting the state's mine and cave sites, certifying and auditing safety consultants, engineers, and programs used by employers, and offering safety and health consultations to help employers identify and remedy workplace hazards.

The DLS consists of four sections: Wage and Hour, On-Site Safety and Health Consultation Service, Mine and Cave Safety and Health, and the Workers' Safety Program.

The Wage and Hour Section helps Missourians get correct information regarding wages, work hours, vacations, lunches, hiring, and more. The Section also informs employers and employees of their workplace rights and responsibilities.

The DLS is responsible for compiling wage surveys to set the prevailing wage; providing educational outreach; and conducting investigations to ensure employer compliance with prevailing wage and minimum wage laws, which was a continuing challenge for the DLS in 2009. The prevailing wage and minimum wage laws require employers to provide payroll documentation to assure compliance with the law, but an increasing number were unwilling to fully cooperate.

From fiscal year 2008 to fiscal year 2009, the DLS saw a 9 percent increase in minimum wage complaint filings, and a 10 percent increase in prevailing wage complaint filings. Additionally, in fiscal year 2009, staff handled an 11 percent increase in phone calls pertaining to wage and hour issues, and staff was able to collect 46 percent more funds in back wages owed to workers on public works projects in fiscal year 2009.

The On-Site Safety and Health Consultation and Mine and Cave Safety and Health programs strive to reduce work-related injuries, illnesses, and fatalities by educating and training employers and employees on workplace safety and health issues. The DLS performs consultations and inspections of work sites, during which our staff identifies job hazards and offer recommendations for correction and elimination. The On-Site Safety and Health Consultation Program provides no-cost, on-site safety and health consultations with no penalties or fines for Missouri employers with up to 250 employees. In fiscal year 2009, the DLS conducted 500 workplace consultations – a 74 percent increase over those conducted in fiscal year 2008.



*Carla Buschjost*  
Director

### **State Fiscal Year 2009**

15	Child Labor Complaints Received
2,356	Child Labor Violations Found
153	Mines/Caves Inspected
3,723	Miners Trained
500	On-Site Workplace Consultations Conducted
315	Prevailing Wage Complaints Received
126	Prevailing Wage Violations Found
\$25,670	Prevailing Wage Penalties Collected
\$1,101,340	Prevailing Wage Restitution Collected
995	Affected Workers Receiving Restitution
694	Minimum Wage Complaints Received
202	Minimum Wage Violations Found
\$310,128	Minimum Wage Back Wages Collected
1,491	Affected Workers Receiving Back Wages

*(Continued)*

## DEPARTMENT DETAILS

# Division of Labor Standards

The Missouri Workers' Safety Program evaluates and certifies the safety programs of workers' compensation insurance carriers in Missouri. Staff investigates complaints of inadequate loss-control services against insurance carriers and monitors the impact of safety services being provided by insurance carriers. The Workers' Safety Program also oversees the enforcement of the 10 hour Construction Safety Training Program, which became effective August 28, 2009, and requires all employees on a public works project to have 10 hours of safety training prior to working on the project.

The Missouri Safety and Health Achievement Recognition Program (SHARP) is administered by the DLS and is a way to reward small businesses that operate exceptional health and safety programs. Participation is offered to businesses that have worked with the DLS's Safety and Health Consultants over a period of time and implemented a safety program which has reduced their workplace injury and illness rate for its industry. During fiscal year 2009, six Missouri businesses were admitted into the program and so far this year, the On-Site Program has saved Missouri employers \$3,650,992.00 in potential OSHA penalties, and our consultants have identified 5,276 hazards during 512 on-site visits.

In April 2009, the DLS took action to protect Missouri workers by enforcing a law that bars workers from certain other states from employment on Missouri public works projects during periods of high unemployment. After receiving complaints that a \$600 million city utilities project employed ineligible out-of-state workers, the DLS required the contractors to replace approximately 150 workers with individuals who qualify under the law.

[www.labor.mo.gov/lb](http://www.labor.mo.gov/lb)

## Division of Workers' Compensation

The Missouri Division of Workers' Compensation (DWC) administers the programs which provide for Missouri workers who are injured on the job or develop occupational diseases. The DWC focuses on making sure that those who can return to work do so as soon as possible, having received adequate treatment and benefits. For those who cannot return to work because of their injury or injuries, the DWC ensures that they receive the permanent benefits allowed by Missouri law.

Missouri employers are required to report workplace injuries within 30 days of occurrence. The DWC processes approximately 120,000 reports of injury each year. An audit of workplace injury and death reporting in 2009 revealed that numerous employers and insurers failed to report information to the DWC, thereby possibly denying hundreds of families of their right to receive benefits. An investigation of these employers and insurance companies is currently under way, and the DWC has made attempts to notify the surviving dependents of their rights to benefits.

Missouri employers are required to either obtain workers' compensation insurance or obtain approval from the DWC to self-insure their workers' compensation liability, paying claims out of pocket as they arise. In 2009, 39 percent of Missouri workers were employed by self-insured employers.

Benefits paid to injured workers are made available through the workers' compensation system. Injured workers also can qualify for benefits from the Second Injury Fund, which was created to ease the workers' compensation burden on employers by compensating for employees' preexisting injuries. The Fund, which receives money from a surcharge on workers' compensation premiums, began facing financial difficulty in 2005 when the surcharge on premiums was capped by the General Assembly at 3 percent.

Most workers' compensation cases are resolved without lengthy proceedings. For those cases that do not resolve by compromise, the Division's Administrative Law Judges conduct hearings and make determinations on what, if any, benefits are owed the injured worker.

The DWC's Fraud and Noncompliance Unit investigates all allegations of fraud and noncompliance. Employers who do not properly insure their workers' compensation liability commit noncompliance — an offense that can lead to fines, penalties, and prison time.



*Peter Lyskowski  
Acting Director*

### **State Fiscal Year 2009**

114,478	First Reports of Injury (workplace injuries) Filed
3,709	Number of Hearings (cases that go before an Administrative Law Judge)
23,504	Total WC Awards and Settlements
1,352	Fraud and Noncompliance Cases Investigated
282	Fraud and Noncompliance Cases Referred for Prosecution

[www.labor.mo.gov/wc](http://www.labor.mo.gov/wc)

## DEPARTMENT DETAILS

# Missouri Commission on Human Rights

The Missouri Commission on Human Rights (MCHR) administers programs to prevent and eliminate discrimination and to provide equitable and timely resolutions of discrimination claims.

In 2009, the Commission celebrated its 50th Anniversary. In 1959, the Missouri Manual reported that the Commission investigated 16 complaints and began the study of human rights in Missouri. In fiscal year 2009, the Commission staff handled 2,023 cases and set seven cases for hearing. In June 2009, a court found that two complainants were discriminated against and awarded them a \$300,000 housing discrimination suit – the largest in MCHR history.

In fiscal year 2009, complaints were filed within the MCHR at near-record levels. In spite of eliminating five positions in 2009 due to budget cuts, the MCHR raised the production standards for its investigators, in order to meet the rising demands of its customers.

The Missouri Human Rights Act requires the MCHR to receive, investigate, settle, or conciliate complaints of alleged discrimination and conduct public hearings. The statute also enables the MCHR to certify local commissions, establish relationships with federal and local civil and human rights agencies, implement educational or research programs and develop ways to prevent discrimination. The MCHR responds to complaints of alleged discrimination in employment, housing, and public accommodations based on race, color, religion, national origin, ancestry, sex, physical/mental disability handicap, age (40-70 employment only), and familial status (housing only).

Commission members are nominated by the Labor Department Director, and appointed by the governor with advice and consent of the Senate. The governor appoints at least one member from each of Missouri's nine congressional districts, one member-at-large and one member as chairperson. The commissioners serve for six years without compensation. The Commission meets quarterly and commission meetings are open to the public.



*Alisa Warren  
Executive Director*

### **Commission**

<b>Alvin Carter</b> <i>Chairperson</i> <i>Term expires 4-1-2011</i>	<b>James Buford</b> <i>Commissioner 1st District</i> <i>Term expires 4-1-2013</i>	<b>Herman Elmore</b> <i>Commissioner 2nd District</i> <i>Term expires 4-1-2011</i>
<b>Christi Anne Checkett</b> <i>Commissioner 3rd District</i> <i>Term expires 4-1-2009</i>	<b>Susan Lee Pentlin</b> <i>Commissioner 4th District</i> <i>Term expires 4-1-2006</i>	<b>Vacant</b> <i>Commissioner 5th District</i>
<b>Daniel E. Champion</b> <i>Commissioner 6th District</i> <i>Term expires 4-1-2012</i>	<b>Adolfo Castillo</b> <i>Commissioner 7th District</i> <i>Term expires 4-1-2009</i>	<b>Abdeldjelil "DJ" Belarbi</b> <i>Commissioner 8th District</i> <i>Term expires 4-1-2007</i>
<b>Jaye A. Jackson</b> <i>Commissioner 9th District</i> <i>Term expires 4-1-2008</i>	<b>Vacant</b> <i>Commissioner At Large</i>	

### **State Fiscal Year 2009**

2,023 Cases received  
1,914 Decisions rendered

### **% Filed by Category**

Employment..... 85.0%  
Housing..... 5.7%  
Public Accommodations ... 9.3%

### **% Filed by Type**

Sex.....31.1%  
Race.....32.5%  
Retaliation .....34.1%  
Disability.....25.6%  
Age .....17.9%

[www.labor.mo.gov/mohumanrights](http://www.labor.mo.gov/mohumanrights)

# State Board of Mediation

The State Board of Mediation (SBM) is a quasi-judicial board created by the General Assembly in 1947. This five-member board is appointed by the governor. Two members are employers or selected from an association representing employers; the other two members hold membership in a bona fide trade or labor union; and the fifth member is a neutral party who serves as full-time chairman and administrator of the agency.

Article I Section 29 of the Missouri Constitution states that all employees shall have the right to organize and to bargain collectively through representatives of their own choosing. In 2007, the Missouri Supreme Court overruled prior cases and held that the phrase “all employees” applies to public employees, as well as private-sector employees.



*James Avery*  
Chairman

The SBM is charged with regulating the labor relations of public utilities and determining appropriate bargaining units of public employees based on their community of interests. The SBM also conducts elections to determine the representation status of petitioning bargaining units.

In 1965, the General Assembly enacted Chapter 105, RSMo, the Public Sector Labor Law. Currently, the law covers all public employees in Missouri except police, deputy sheriffs, Missouri highway patrol officers, Missouri National Guard members, and all teachers at Missouri schools, colleges, and universities.

In fiscal year 2009, there were 45 petitions filed with the SBM, and 30 representation elections conducted, affecting more than 2,344 employees. The SBM works to ensure that the election process it oversees is fair and equitable. A challenge of that process in 2009 was cause for a reevaluation of the Board's procedures. Additional challenges faced by the SBM included an increased back log of hearings: two pending, three scheduled, and three on the docket.

## **State Fiscal Year 2009**

45	Petitions filed
55	Requests for Public Sector Labor Law assistance/information

[www.labor.mo.gov/sbm](http://www.labor.mo.gov/sbm)





“

*We have to get Missourians  
back to work by creating  
new opportunities and by  
helping Missouri business  
grow and thrive.*

”

*- Gov. Jeremiah W. (Jay) Nixon*



# Financial Summary

## FINANCIAL SUMMARY

### State Fiscal Year 2009

Division	Appropriation
Director and Staff . . . . .	\$ 7,362,384
Labor and Industrial Relations Commission . . .	\$ 985,699
Division of Employment Security . . . . .	\$ 31,198,575 *
Division of Labor Standards. . . . .	\$ 3,051,400
Division of Workers' Compensation . . . . .	\$ 9,596,557 **
Missouri Commission on Human Rights. . . . .	\$ 1,735,350
State Board of Mediation . . . . .	\$ 116,753
<b>Total . . . . .</b>	<b>\$ 54,046,718</b>

\* This amount includes tax interceptions, claim payments, and federal interest payments.

\*\* This amount includes second injury and tort victims' claims payments and second injury refunds.



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